

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 47

January 26, 1995, 10:18 a.m.
Page S-1567 Temp. Record

UNFUNDED MANDATES/Costs Due to Illegal Immigration

SUBJECT: Unfunded Mandate Reform Act of 1995 . . . S. 1. Kyl motion to table the Boxer amendment No. 201.

ACTION: MOTION TO TABLE AGREED TO, 58-40

SYNOPSIS: Pertinent votes on this legislation include Nos. 15-41, 43-45, and 48-61.

As reported by the Governmental Affairs Committee and the Budget Committee, S. 1, the Unfunded Mandate Reform Act of 1995, will create 2 majority (51-vote) points of order in the Senate. The first will lie against the consideration of a bill or joint resolution reported by an authorizing committee if it contains mandates and if Congressional Budget Office (CBO) cost estimates on those mandates are unavailable. The second point of order will lie against the consideration of a bill, joint resolution, motion, amendment, or conference report that will cause the total cost of unfunded intergovernmental mandates in the legislation to exceed \$50 million.

The Boxer amendment would require the preparation of a plan for reimbursing State, local, and tribal governments for the costs associated with providing services to illegal immigrants, including education, incarceration, and health care services. The plan would be prepared within 90 days of enactment of this Act.

Debate was limited by unanimous consent. Following debate, Senator Kyl moved to table the Boxer amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

NOTE: A Boxer second-degree amendment which contained identical text as the Boxer first-degree amendment plus an authorization for agencies to spend such sums as necessary to pay for these illegal immigration costs, automatically fell when the first-degree amendment was tabled.

Those favoring the motion to table contended:

The Boxer amendment would require the Advisory Commission on Intergovernmental Relations (ACIR) to develop a plan for reimbursing States for illegal immigration costs, and then would authorize agencies to pay those costs. The intent of the Senator from

(See other side)

YEAS (58)			NAYS (40)			NOT VOTING (2)	
Republicans (49 or 96%)	Democrats (9 or 19%)		Republicans (2 or 4%)	Democrats (38 or 81%)		Republicans (2)	Democrats (0)
Abraham	Inhofe	Baucus	Gramm	Akaka	Hollings	Helms ⁻²	
Ashcroft	Jeffords	Byrd	Hutchison	Biden	Inouye	Simpson ^{-4AY}	
Bennett	Kassebaum	Glenn		Bingaman	Johnston		
Bond	Kempthorne	Heflin		Boxer	Kennedy		
Brown	Kyl	Kerrey		Bradley	Kerry		
Burns	Lott	Kohl		Breaux	Lautenberg		
Chafee	Lugar	Lieberman		Bryan	Leahy		
Coats	Mack	Nunn		Bumpers	Levin		
Cochran	McCain	Rockefeller		Campbell	Mikulski		
Cohen	McConnell			Conrad	Moseley-Braun		
Coverdell	Murkowski			Daschle	Moynihan		
Craig	Nickles			Dodd	Murray		
D'Amato	Packwood			Dorgan	Pell		
DeWine	Pressler			Exon	Pryor		
Dole	Roth			Feingold	Reid		
Domenici	Santorum			Feinstein	Robb		
Faircloth	Shelby			Ford	Sarbanes		
Frist	Smith			Graham	Simon		
Gorton	Snowe			Harkin	Wellstone		
Grams	Specter						
Grassley	Stevens						
Gregg	Thomas						
Hatch	Thompson						
Hatfield	Thurmond						
	Warner						

EXPLANATION OF ABSENCE:

1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:

AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

California is laudable, but her effort is unnecessary and is based on a faulty grasp of what constitutes an unfunded mandate. In the first place, the study she would commission is already being done. The Immigration Reform Act of 1990 establishes a commission to study and report on precisely the costs that are involved here. Once that study is complete we have little doubt that it will be used as a basis for reimbursing States. Clearly such reimbursement has become a congressional priority. The amount that the Federal Government pays States for illegal alien costs was greatly increased last year, and the Appropriations Committee increased funding for the Commission on Immigration Reform to expedite its study. The second problem with this amendment is that it is not really about unfunded mandates. Not all costs associated with illegal immigration are the result of Federal mandates. The Federal Government orders the provision of some of the services that States give, but other services are given voluntarily by States. All services are given as a result of the Federal Government's failure to keep illegal aliens out, but the failure to exercise a governmental function is not the same as an unfunded mandate. Thus, the Boxer amendment is mistaken in identifying all State costs associated with illegal aliens as being unfunded mandates. We are not opposed to the intent underlying the Boxer amendment. The Federal Government should do a better job of keeping illegal aliens out, and it should not impose unfunded mandates on the States to care for the ones that get in. However, the Boxer amendment is not restricted to unfunded mandates, the subject of this bill, and, in any event, the study it would commission would be duplicative of a current effort. Therefore, we urge the tabling of this amendment.

Those opposing the motion to table contended:

The mother of all unfunded mandates is the unreimbursed costs from illegal immigration. The Federal Government is responsible for patrolling our borders and keeping illegal aliens out, and it is failing massively in that responsibility. Once those aliens are here, it requires that State and local governments provide them certain services. It does not pay fully for the provision of those services. The Boxer amendment would require the development of a plan to provide full payment. It would then authorize agencies to make full payment. This amendment is fair, and merits our support.